

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KATRINA RAMON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 1:22-cv-219
)	
WAL-MART STORES EAST, LP,)	
)	
Defendant.)	

NOTICE OF REMOVAL

To the Judges of the United States District Court for the Middle District of North Carolina:

Defendant, Wal-Mart Stores East, LP ("Defendant"), by and through the undersigned attorneys, respectfully gives notice of removal to this Court of the above-entitled case from the North Carolina Superior Court for the County of Forsyth to the United States District Court for the Middle District of North Carolina, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446(b), and Rules 8 and 11 of the Federal Rules of Civil Procedure, and states the following grounds:

1. On or about November 4, 2021, Plaintiff filed in the North Carolina Superior Court for the County of Forsyth the action of Katrina Ramon v. Wal-Mart Stores East, LP, bearing case number 21 CVS 5573, in the records and files of the

Court. The Summons and Complaint were served on Wal-Mart Stores East, LP's registered agent, CT Corporation System, 160 Mine Lake Court, Suite 200, Raleigh, NC 27615, on or about November 15, 2021. A copy of the Summons (Exhibit A) and Complaint (Exhibit B) is attached hereto and incorporated herein by reference.

2. On December 1, 2021 Defendant requested an extension from the Court extending the time for serving answer, defensive motions, or responsive pleadings through and including January 14, 2022, which request was granted. A copy of the Motion for Extension of Time and corresponding Order Allowing Extension of Time (Exhibit C) is attached hereto and incorporated herein by reference.

3. On January 13, 2022, Defendant timely served its Motion to Dismiss and Answer (copy attached as Exhibit D) and demanded trial by jury.

4. At the commencement of this action and at all times herein mentioned Defendant was, and now is, a limited partnership duly organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business in the State of Arkansas. Defendant is not now, nor has been at any other time herein mentioned, including the date of this Notice of Removal, a citizen of the State of North Carolina.

5. Defendant is informed and believes and thereon alleges that Plaintiff, at the commencement of this action, and at all times herein mentioned, was and now is a citizen and resident of the State of North Carolina.

6. Plaintiff's Complaint purports to allege a negligence claim against Defendant and that Plaintiff's injuries and damages were caused by the negligence of Defendant.

7. Plaintiff's Complaint did not allege that Plaintiff is entitled to recover damages against Defendant in excess of \$25,000.00, in conformity with N.C. R. Civ. P. 8.

8. Defendant received Plaintiff's statement monetary relief sought (N.C. R. Civ. P. 8(a)(2)) on February 17, 2022. Plaintiff's statement of monetary relief sought is an "other paper" as set forth in 28 U.S.C. § 1446(b) and it establishes that the amount in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

9. In accordance with the requirements of 28 U.S.C. § 1446(b) this Notice of Removal is filed within 30 days of Defendant's receipt of Plaintiff's statement of monetary relief sought, which constitutes an "other paper" from which Defendant has first ascertained that the case is one which is or has become removable.

10. Complete diversity of citizenship between the parties exists.

11. The aforesaid Superior Court action is a suit of a wholly civil nature.

12. Based on the foregoing, Defendant is informed and believes and thereon alleges that the amount in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interest and costs.

13. Original jurisdiction for this case rests in the District Court of the United States.

14. Under the provisions of 28 U.S.C. §§ 1332, 1441, and 1446, Defendant has a right to remove this case from the North Carolina Superior Court of Forsyth County to the United States District Court of the Middle District of North Carolina, which embraces the place where this action is pending.

WHEREFORE, Defendant, by and through the undersigned attorney, for the foregoing reasons, gives notice of removal and transfers this action to the United States District Court of the Middle District of North Carolina for the institution of further proceedings.

Respectfully submitted this the 18th day of March, 2022.

/s/Justin N. Davis

Justin N. Davis

N.C. State Bar No.: 27780

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Attorney for Defendant

OF COUNSEL:

MULLEN HOLLAND & COOPER, P.A.

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Gastonia, North Carolina 28052

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CERTIFICATE OF SERVICE

This is to certify that I have this day served

Mr. Todd R. Ellis
Law Office of Todd Ellis, P.A.
7911 Broad River Road, Suite 100
Irmo, SC 29063

Attorney for Plaintiff

in the foregoing matter with a copy of this Notice of Removal by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon, in the manner prescribed by Rule 5 of the Rules of Civil Procedure.

This the 18th day of March, 2022.

/s/Justin N. Davis

Justin N. Davis
Attorney for Defendant

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